


## Supplemental Expert Report



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### **Scope of Inquiry**

I have been retained by the Texas Attorney General as an expert to provide analysis of issues raised by the various plaintiffs related to the redrawing of Texas Congressional, State House, State Senate, and State Board of Education districts, specifically focused on Gingles 2 and 3 and Racially Polarized Voting (RPV). This report updates my analysis with a specific focus on changes in Hispanic voting patterns in the 2022 and 2024 elections that occurred after my report in this case dated July 18, 2022. My rate of compensation as an expert is \$600 per hour.

### **Qualifications**

I am a tenured professor of political science at Rice University. In my forty years at Rice, I have taught courses on redistricting, elections, political representation, voting behavior, and statistical methods at both the undergraduate and graduate level. Over the last thirty-five years, I have worked with numerous Texas cities and school boards on districting plans and on Voting Rights Act issues. I have previously provided expert reports and/or testified as an expert witness on voting rights and statistical issues in a variety of court cases, working for the U.S. Attorney in Houston, the Texas Attorney General, a U.S. Congressman, and various cities and school districts.

In the 2000 round of redistricting, I was retained as an expert to provide advice to the Texas Attorney General in his role as Chair of the Legislative Redistricting Board. I subsequently served as the expert for the State of Texas in the state and federal litigation involving the 2001 redistricting for U.S. Congress, the Texas Senate, the Texas House of Representatives, and the Texas State Board of Education.

In the 2010 round of redistricting in Texas, I was again retained as an expert by the State of Texas to assist in defending various state election maps and systems including the district maps for the U.S. Congress, the Texas Senate, the Texas House of Representatives, and the current at large system for electing Justices to the State Supreme Court and Court of Appeals, as

well as the winner-take-all system for allocating Electoral College votes.

I have also worked as an expert on redistricting and voting rights cases at the state and/or local level in Alabama, Arkansas, Florida, Georgia, Kansas, Louisiana, Michigan, Mississippi, New Mexico, New York, Pennsylvania, Washington, and Wisconsin.

The details of my academic background and qualifications, including all publications in the last ten years, and work as an expert, including all cases in which I have testified by deposition or at trial in the last four years, are included in my curriculum vitae, which is attached to this report as Appendix A.

### **Data and Sources**

In preparing my report I have relied on election returns collected by the Texas Legislative Council and on reports of the proportion of Spanish Surnamed voters available from the Texas Secretary of State. My EI analysis was performed on those inputs using standard RxC estimation similar to that utilized by most of the other experts in this case and detailed in the replication files disclosed with this report.

### **2022 and 2024 General Elections**

In my previous report dated July 18, 2022, I provided an extensive analysis related to the issue of the relative influence of the race/ethnicity of candidates versus the party of the candidates. Because I was able to replicate all of the key EI results for U.S. Congressional districts, for example, using the results provided by plaintiffs' expert Prof. Ansolabehere. I was thereby able to draw my conclusions using summary tables of his results while avoiding the question of whether my conclusions differed because of a dispute about data or esoteric methods. I intend to follow that practice for the 2022 and 2024 election update, and will provide the updated tables of results summarized for Anglo, Black and Hispanic candidates by incorporating the additional results for 2022 and 2024 as they become available from plaintiff's experts.

### **Trends in Hispanic Party Vote Distribution**

As discussed extensively in the post-election commentary on Donald Trump's victory, shifts in the party voting of Hispanics toward the Republican party have been dramatic in recent

elections, particularly in 2024. As the New York Times reported in a story published Feb. 11, 2025:

*No doubt, 2024 was a breakthrough moment in El Valle, as the area where Latinos are the majority is known, at least on the presidential level. Mr. Trump took 12 of the 14 counties along the border with Mexico, more than double the five in 2016. Eight of the top 10 Democratic counties that swung hardest toward Mr. Trump are within a short drive to Mexico. The area is where many local residents have cultural ties, perplexing political experts who assumed that Mr. Trump's campaign promise of mass deportations and his condemnation of illegal immigration would sour Latino voters.*

*"He talks like everyday people," Mia Vela, 18, explained, capturing the appeal of Mr. Trump beyond policies and promises.*

*More confounding may be what happened down ballot, where many border-region Democrats managed to win tightly drawn districts, including Representatives Vicente Gonzalez and Henry Cuellar.*

<https://www.nytimes.com/2025/02/11/us/hispanics-election-republicans-texas.html>

In a January 13, 2025 post for the University of Texas sponsored Texas Politics Project, Jim Henson and Joshua Blank looked at this shift in some detail and offered that:

*One of the biggest stories of the 2024 election cycle was Donald Trump's success in increasing his support among Latino voters. The exit polls in Texas suggest that Trump won 55% of the Latino vote in the state – a 13-point increase from 2020, a record high for a Republican presidential candidate and a 27-point increase over 2016. (Texas was part of Trump's 45% of the Latino vote nationally.) Even allowing for apparent signs of success from Republican aligned efforts in the state to identify and turnout likely Republican voters in heavily Latino counties, the magnitude of the swing toward Trump in 2024, especially in Texas, was still striking as it became apparent in the days after the election.*

*A review of extensive data on Latino attitudes in the Texas Politics Project polling archive in conjunction with election returns and exit polling suggests that the signs of Trump's success in 2024 were hiding in plain sight...*

*In summary:*

- 1. Party identification data reveals a decline in Democratic identification among Latinos amid signs of a gradual, incremental increase in Republican identification since 2016, with a clear increase in the GOP's baseline support in the year preceding the election.*
- 2. Despite prevalent expectations, Latinos' views of Donald Trump on the cusp of the election were closely divided, with a large share holding favorable views.*

3. *Conversely, Latinos' opinions about Joe Biden's job performance were in net-negative territory, with a high degree of intensity evident among those who disapproved.*
4. *On the key campaign issues of the economy and border security, which were most salient to Latinos (as they were to Texas' overall electorate), Latino attitudes favored the positions most associated with Republicans, and trusted Trump more than Biden to handle those issues.*

<https://texaspolitics.utexas.edu/blog/trends-latino-attitudes-texas-foreshadowed-trump%E2%80%99s-gains-2024>

This shift is particularly important for the argument being made in this case that polarization in Texas is partisan rather than ethnic or racial. As indicated in the New York Times piece cited above, political observers “assumed that Mr. Trump’s campaign promise of mass deportations and his condemnation of illegal immigration would sour Latino voters.” The 2024 Trump campaign is a marked contrast to the George W. Bush approach. As Governor of Texas, and in his campaign for President, Bush, for example, rejected the early anti-immigrant rhetoric and policies that some Republicans on the right had begun to embrace. As the New York Times described this in an August 27, 2000, article:

*Nationally, the political response to this new wave of immigration at times was hostile. Republicans in Congress fought to kill bilingual education and pushed for laws establishing English as the country's official language. Patrick J. Buchanan, running for president in 1996, threatened to build a wall along the border. And, most notably, Gov. Pete Wilson of California became a symbol of intolerance to many Hispanics in 1994 by championing Proposition 187, a controversial referendum that denied most government benefits to illegal immigrants and their children.*

*Mr. Bush established a very different tone. He named Tony Garza, a Mexican-American, as his first political appointee, as secretary of state. In his first piece of state business, Mr. Bush met with the governors of five Mexican states near the border. He opposed Proposition 187 and supported English Plus, a modified version of bilingual education.*

*His position on Proposition 187 was mostly moot -- Texas did not provide nearly the same amount of benefits to undocumented immigrants as California did -- but it established him as a friendly face in a hostile party. He courted Mexico, supporting the Clinton administration's bailout of the peso when Congressional Republicans criticized the plan. In 1996, when a quirk in the federal welfare overhaul left many legal immigrants without food stamps, Mr. Bush made an emergency expenditure to provide aid to the elderly and disabled until federal officials corrected the problem.*

*Mr. Bush also courted Hispanics on a personal level. He spoke Spanish often, if not always fluently, and talked of shared cultures, a point underscored by his own traditional Christmas menu, which included tamales and enchiladas.*

*"With the Mexican-American community, we appreciate that his feelings are heartfelt," said Mr. Garza, now a member of the Texas Railroad Commission, whose chief responsibility is regulating the oil and gas industry. "You don't get finger pointing from George W. Bush."*

*The contrast between Mr. Bush and other national Republicans was stark, but, in many ways, he was following the path taken by other Texas governors. Texas and Mexico have long shared cultural, historic and economic ties that have made the two interdependent. When the Mexican peso was devalued in the mid-1990's, the ripple effect was felt all along the Texas border; in El Paso, 80 stores closed. The advent of the North American Free Trade Agreement, which lowered trade barriers between Mexico and the United States, has only deepened the mutual self-interest -- state statistics show that more than 228,000 jobs in Texas are now linked to Nafta.*

*"No governor in Texas has ever done what Pete Wilson did," said Dr. de la Garza, the University of Texas government professor. And Mr. Bush, he said, has also used his personal charm to establish himself as a "buena gent," or good guy. "Above all, he has managed symbols wonderfully, and that's not a trivial issue. He has demonstrated cultural respect."*

[THE 2000 CAMPAIGN: THE TEXAS GOVERNOR; Hispanics Give Attentive Bush Mixed Reviews - The New York Times](#)

In terms of ethnic or racial polarization, the fact that Bush attracted high levels of Hispanic support would be expected given his rhetoric and policy stances. With Trump, in contrast, we might expect, as many Democratic politicians did, the opposite effect, with Trump's rhetoric and policy promises exacerbating the ethnic divide and driving down Hispanic support while increasing his support among Anglo voters and driving up their tendency to vote as a bloc to defeat the preferred candidate of Hispanic voters.

Starr County is often cited as dramatic evidence of the shift toward the Republicans among Texas Hispanic voters. As Politico reported in 03/03/2025 post on their website by Charlie Mahtesian:

*If you're not yet familiar with Starr County, Texas — and we don't expect you would be — remember the name. Since President Donald Trump's November victory, it's emerged as a key reference point in the debate over the future of the Democratic Party, a potent example of MAGA's advance among Latino and working class voters.*

*The historically blue border county flipped to Trump in 2024, but that description does a disservice to the stunning nature of what happened. Until last year, Starr County hadn't voted for a Republican presidential nominee in over a century. As recently as 2016, Hillary Clinton destroyed Trump there, 79 percent to 19 percent. For comparative*

*purposes, that's roughly the same margin that Trump lost by in Brooklyn that year.*

*While Clinton romped across heavily Hispanic South Texas, by 2020 the cracks in the Democratic wall were beginning to show. The Rio Grande Valley, along the border with Mexico, shifted unmistakably toward Trump in 2020 — and Joe Biden only managed a 5-point victory in 97 percent Hispanic Starr County.*

*Four years later, the dam broke. Aside from Starr County, Trump turned most of the border red. Swings of the magnitude seen in Starr County rarely happen over a short period. And if you examine the voting data over a broader time frame, the numbers are even more stark. Starr County residents went from delivering an 86-13 landslide victory to Barack Obama in 2012 — the highest vote share of any county in Texas — to giving Trump a very comfortable 58-42 win in 2024.*

<https://www.politico.com/newsletters/politico-nightly/2025/03/03/this-pivotal-county-is-still-standing-by-trump-00209280>

Starr County is unusual in that the Hispanic share of the population is so high that it does not require any EI analysis of the sort employed by experts to assess the role of Hispanic voting behavior in this trend. In effect Starr County is a homogeneous precinct. For other less homogenous counties, EI results can help illuminate this trend. Two candidates are particularly useful in this regard: Donald Trump and Ted Cruz. Both ran contested elections across the last decade competing as the Republican candidate for the same office in three consecutive election cycles, Trump for President in 2016, 2020, and 2024, and Cruz for U.S. Senator in 2012, 2018 and 2024. Table 3 below provides the EI estimates for the share of Hispanic voters supporting Pres. Trump in these years for the four border counties that have at least 60 precincts, and for Prof. Grumbach's South Texas County grouping (Atascosa, Bee, Brewster, Brooks, Cameron, Crane, Culberson, Dimmit, Duval, Ector, Frio, Hidalgo, Hudspeth, Jeff Davis, Jim Hogg, Jim Wells, Karnes, Kenedy, Kinney, Kleberg, LaSalle, Live Oak, Loving, Maverick, McMullen, Medina, Pecos, Presidio, Reeves, San Patricio, Starr, Terrell, Val Verde, Ward, Webb, Willacy, Wilson, Winkler, Zapata, and Zavala) that combines counties in the region to create a large enough number of precincts for more accurate EI estimation. In addition, the other large counties reported by Prof. Grumbach as having substantial Hispanic population (Bexar, Dallas, Harris, Nueces, Tarrant, and Travis) are included as well. Table 4 below provides the same information for Sen. Cruz.



**Table 3: Spanish Surname Voter Support for Trump**

County/ Area		Estimated Spanish Surname Vote %				Estimated non-Spanish Surname Vote %		
		2016	2020	2024	16 to '24	2016	2020	2024
Grumbach's S. Texas Counties	Trump	17%	36%	44%	+27%	89%	81%	88%
El Paso	Trump	24%	20%	34%	+10%	29%	56%	57%
Webb	Trump	25%	31%	46%	+21%	9%	81%	74%
Hidalgo	Trump	15%	34%	47%	+32%	77%	68%	65%
Cameron	Trump	15%	33%	47%	+33%	83%	71%	66%
Bexar	Trump	11%	19%	29%	+18%	60%	55%	55%
Dallas	Trump	8%	16%	31%	+23%	40%	37%	39%
Harris	Trump	33%	38%	43%	+9%	43%	43%	47%
Nueces	Trump	42%	22%	30%	-12%	54%	75%	76%
Tarrant	Trump	39%	44%	23%	-16%	53%	49%	56%
Travis	Trump	11%	3%	11%	+0%	31%	30%	32%

**Table 4: Spanish Surname Voter Support for Cruz**

County/ Area		Estimated Spanish Surname Vote %				Estimated non-Spanish Surname Vote %		
		2012	2018	2024	12 to '24	2012	2018	2024
Grumbach's S. Texas Counties	Cruz	20%	22%	36%	+17%	90%	88%	87%
El Paso	Cruz	18%	26%	29%	+12%	74%	25%	54%
Webb	Cruz	24%	30%	39%	+14%	82%	17%	73%
Hidalgo	Cruz	17%	19%	39%	+22%	88%	80%	68%
Cameron	Cruz	22%	22%	39%	+18%	91%	82%	68%
Bexar	Cruz	11%	12%	23%	+11%	69%	58%	53%
Dallas	Cruz	16%	8%	22%	+6%	45%	38%	37%
Harris	Cruz	23%	29%	33%	+11%	55%	44%	46%
Nueces	Cruz	13%	37%	26%	+13%	82%	59%	74%
Tarrant	Cruz	9%	36%	16%	+7%	62%	51%	54%
Travis	Cruz	2%	6%	12%	+10%	40%	30%	30%

Recently a group of plaintiffs represented in part by the ACLU of Florida filed a lawsuit against the State of Florida for doing something not dissimilar from what plaintiffs here are urging that the State of Texas do more of. As the ACLU of Florida posted on their website on May 3, 2024:

*Cubanos Pa'lante, Engage Miami, the American Civil Liberties Union (ACLU) Club at Florida International University, and five local residents filed suit in federal court today, challenging the racial gerrymandering of four congressional districts and seven state house districts in South and Southwest Florida, in violation of the U.S. Constitution.*

*The plaintiffs are represented by the ACLU of Florida, Vasquez Segarra, and O'Melveny & Myers.*

*The lawsuit, filed in U.S. District Court in Miami, alleges that the Florida*



*Legislature and Governor Ron DeSantis drew Congressional Districts 19, 26, 27, and 28, and State House Districts 112, 113, 114, 115, 116, 118, and 119, by connecting disparate neighborhoods, dividing established communities, and creating noncompact shapes with an overriding racial goal. This racial gerrymandering, according to the lawsuit, undermines fair representation and cannot be justified by the Voting Rights Act or any other compelling interest.*

*The plaintiffs argue that, in drawing these districts along racial lines, the state government ignored the nuanced, multifaceted, and diverse nature of South Florida's Hispanic and Latino community. Lawmakers treated Hispanic voters as a monolithic group, based on false and stereotypic assumptions, thereby violating the Fourteenth Amendment to the U.S. Constitution.*

[Community Groups and Local Residents File Lawsuit Challenging Racially Gerrymandered Congressional and State House Districts in South and Southwest Florida | ACLU of Florida | We defend the civil rights and civil liberties of all people in Florida, by working through the legislature, the courts and in the streets.](#)

The actual complaint references the same issue in South Florida that we see in parts of South Texas: a shift in voter partisan preferences over time that reduced the cohesion of Hispanics in the view of the plaintiffs:

*15. While the second and third Gingles preconditions may have been present in the past with respect to South Florida's Hispanic voters, by 2022, they were not. The Legislature was on notice that the demographics and voting patterns of the Hispanic community in South Florida had changed over time, but it ignored this evidence.*

*16. South Florida's Hispanic community is not politically cohesive as required for the second Gingles precondition. Rather, it is nuanced, multifaceted, and diverse with respect to political behavior and preferences. But in crafting the Challenged Districts, the Legislature ignored this diversity and assumed that Hispanic voters in South Florida were politically homogenous and monolithic. This assumption was false. The Legislature was not entitled to draw race-based districts based on uninformed assumptions of racial sameness.*

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## **Conclusion**

As the news accounts and election trends suggest, support among Spanish Surname voters for Republican candidates in the south Texas area has clearly increased over the last decade. This kind of shift is important here because it has implications for where, and to what degree, voting remains polarized, even in the partisan sense, in regard to Hispanics in Texas. If

Hispanic voters are no longer providing cohesive support to Democratic candidates, then *Gingles* prong 1 will no longer be satisfied.

This also matters for the construction of potential remedy districts, because as Hispanic voter support for Democratic candidates declines, the potential performance of Democratic leaning districts will decline as well. That in turn requires increasing the already high proportions of Hispanic CVAP required for a district to elect the now narrowly favored Hispanic candidate of choice. Note also that when minority cohesion in an area is closer to 50%, packing those voters into an effective district denies the party preference of almost as many Hispanic voters as it helps.